

THE HERALD

THURSDAY, - MAY 1, 1884

DAILY WEATHER REPORT.

WAR DEPARTMENT.

Division of Telegrams and Reports for the benefit of Commerce and Agriculture.

SALT LAKE CITY, April 30, 1884.

	A.M.	P.M.	P.M.	P.M.
Barometer	29.84	29.84	29.85	29.92
Thermometer	53.5	44.0	49.5	45.5
Humidity	87	83	61	69
Direction of Wind	NE	S	NW	E
Miles per Hour	4	5	10	3
State of Weather	Light	Th	Th	Clear

Max. Ther. 61°. Min. Ther. 38.2.
Rainfall during 24 hours, .042 of an inch.
J. CRAIG, S. T. Sig. Corps, U.S.A.

CHIPS.

May day.

What time is it?

California strawberries are luxuries in the market.

Adeline—No; crazy patchwork quilts are not used in the asylums.

Through travel is very heavy on the U. P., but the Salt Lake hotels lack a good deal of being full.

At 12 o'clock last night the hands of the City Hall clock were set in accordance with mountain time.

The Hopt trial is progressing. U. S. Prosecuting Attorney Dickson is watching the case very closely.

There will be a meeting of the board of directors of the Twentieth Ward at the Ward schoolhouse, on Thursday evening at 7.30.

A 3-year-old son of G. J. Angell, of the Third Ward, fell and broke his arm on Wednesday, this making the second time in the same place.

Set that watch ahead twenty

eight minutes; and regulate your

clock before you leave home this

morning unless you want trouble in

the family.

The cause of the striking of John

Affick by the deaf and dumb man

in the Theatre saloon on Tuesday,

was an old misunderstanding be-

tween the two.

It is hoped that the Hopt trial

will come to a close by the end of

the week. The motion to quash in-

dictment in Rudger Clawson's case

will not be argued until then.

The continued rain has dampened

everything out of doors. It has also

somewhat dampened the ardor of

the young folks, in preventing their

full enjoyment of May-walking.

Will there be peace in the Repub-

lican convention to-day? If so let

every person present remember that

"There's nothing so becom-

ing a man as modest stillness and

humility."

The Sunday School children of

the Fifteenth ward will have a

sociable and dance at the Music

Hall this evening. All the young

people of the ward are requested to

attend, even though they have not

received special invitations.

The crowd that wants to get a

look at Hopt seems to increase as

trial progresses. Yesterday the

court room was packed, and the

curious throng went around into

the back yard to get a look at the

hero before he started for the Pen.

Amusements are scarce at pres-

ent, but there will be plenty of

them after a while, the Theatre and

the Opera House having several

good cards engaged. For the time

being the gloomy must content

themselves with the skating rink or

the "Blacksmith's Dream."

A strange, suspicious-looking

package bearing the picture of a

goat and the ominous word "Rock,"

was deposited in this office yester-

day. After considerable debate

about dynamite, etc., one of the

force mustered up sufficient nerve

to more closely inspect it, when it

proved to contain the beverage now

being dispensed by Morris & Cullen,

to their customers. The gentlemen

have the thanks of the printers for

the same, who beg to inform them

that the keg can be called for this

morning.

You are Interested Yourself

We are prepared to sell to fami-

lies at the "Occidental" Pure Cali-

fornia and Imported Wines at re-

duced prices. The best of Liquors

and Cigars always on hand. You

will become convinced by a trial.

* ATER & MURPHY Props.

Health and sickness, enjoyment

and suffering, riches and poverty,

knowledge and ignorance, power

and subjection, liberty and bondage,

civilization and barbarity, have all

their offices and duties; all serve

for the formation of character.—

Paley.

COHN BROS. will give you a beau-

tiful Souvenir to-day with each bill

of goods they sell.

Merchants' Lunch.

From 12 to 2, the best in town, at

Coffee John's. Meals at all hours at

fifty cents.

THERE will be a meeting of the

Salt Lake Athletic Association next

Thursday evening, May 1st, at 7.30

o'clock in the office of Barnes &

Davis, Main St. A full attendance

desired.

THE POLYGAMY CASE.

Counsel for Defense Makes a Motion to Quash Indictment.

In the Third District Court yesterday, F. S. Richards, attorney for Rudger Clawson, made the following motion to quash the indictment found and presented against the defendant, and filed facts in support of the motion as given below:

In the Third District Court for the Third Judicial District of Utah Territory, County of Salt Lake.

The United States vs. Rudger Clawson; motion to set aside indictment for polygamy.

MOTION.

And now comes the defendant Rudger Clawson, who was not held to answer herein before the finding of the indictment, and before any plea or proceeding on his part, moves the court to set aside and quash the indictment herein, on the following grounds:

Said indictment was not found or presented by any legally constituted Grand Jury.

The supposed Grand Jury which found and presented the indictment was not elected or drawn, or empaneled as required by law.

That twenty-nine persons were drawn and summoned from which to empanel a Grand Jury, and fifteen of them, each of whom was a qualified grand juror, were illegally excluded from said Grand Jury on the challenge of the prosecuting attorney.

That the names of five of the grand jurors who found and presented said indictment were drawn from the general jury list for the year 1884, without any notice of said drawing as required by law, and said five persons were placed on said grand jury contrary to law.

That the Grand Jury which found and presented said indictment was composed of only ten persons drawn from the jury list as required by law.

That by order of the Court the thirty persons were first drawn and afterwards the names of ten more persons were drawn from the general jury list, to constitute a Grand Jury, when by law a Grand Jury must be composed of only fifteen men.

This motion is made upon the indictment, the record of the court in the proceedings, and the statement of facts filed herewith.

Dated April 30th, 1884.

F. S. RICHARDS,

Attorney for Defendant.

STATEMENT OF FACTS.

A jury list of 200 persons from which to draw Grand and petit jurors for said Third District Court for the year 1884, was made, certified and filed in the office of the Clerk of the Court, under the provisions of the act of Congress approved June 25d, 1874, and a number set opposite to each name; those having even numbers opposite their names were selected by the Probate Judge, and are reputed Mormons, and those having odd numbers opposite to their names were selected by the Clerk of this Court, and are reputed non-Mormons.

On the 31st day of March, 1884, a session of said Court was held, pursuant to notice, and in pursuance to a previous order of the Court, thirty names were drawn from said jury list, from which to empanel a Grand Jury for the April term, 1884, the names and numbers being as follows:

172 R. A. Ballantyne.

110 George H. S. el.

61 S. Brisacher.

51 John Nichols.

21 Matthew Cullen.

100 Heber Bunnion.

74 John C. Midgley.

131 Robert W. Davis.

150 James Russell.

191 W. H. Sells.

132 John A. Egbert.

104 Joseph A. Jennings.

143 Lucien Symons.

146 Duncan Park.

59 A. F. Manning.

68 James Colt.

196 John T. Evans.

177 George W. Edgington.

42 Edwin Pettit.

13 J. M. Darling.

54 Addison Everett.

125 Charles Brink.

4 Matthias Nelson.

178 Thomas Mumford.

142 A. C. Boyle.

102 John F. Miller.

80 J. A. Trimble.

48 James Dinwoodey.

185 James T. Lees.

181 James W. Campbell.

A venire was issued and all said named persons, except Heber Bunnion, summoned to appear at said court on the 14th day of April 1884, at 10 o'clock a. m., and at 2 o'clock p. m. of that day. All except said Heber Bunnion appeared and the court proceeded to empanel a grand jury for said term. James Dinwoodey and Charles Brink, who were not citizens of the United States, and John Micles and S. Brischer who could not read or write the English language, were excused, leaving 25 persons present who were drawn as aforesaid.

The said twenty-five persons during the proceedings to impanel the said Grand Jury were all called and sworn and examined as to their qualification as grand jurors. Fifteen of said persons during said examination were each asked the following questions:

Do you believe the doctrines and tenets of the Mormon church?

Do you believe in the doctrine of plural marriage, as taught by the Mormon church?

Do you believe it is right for a man to have more than one undivorced wife living at the same time?

Each of the persons so interrogated answered the questions affirmatively. Each was thereupon challenged by the prosecuting attorney, and the court allowed the challenges and excluded each of said fifteen persons from the Grand Jury. The persons so interrogated had all the qualifications prescribed by law for grand jurors, unless disqualified by said answers.

Then follows the names of the fifteen persons who were interrogated and excluded.

"The defendant, Rudger Clawson, had not been charged with or held to answer the offense charged in the indictment, or any criminal offense, at the time said grand jury was impaneled, and the examination of the jurors called as Grand Jurors, and the challenges, were wholly conducted and made by the prosecuting attorney, and no questions were propounded to or answered by persons with odd numbers opposite their names, respecting their religious belief."

After excluding said fifteen only ten Grand Jurors, accepted by the prosecution, remained out of the list of thirty originally drawn, and thereupon the court ordered a drawing of ten additional names from the general list of 200 returned by the probate judge, and clerk of the court for the year 1884, and without any other or further notice ten additional names were drawn, and a venire was issued requiring them to appear on the 15th day of April, 1884, at 10 o'clock a. m. On the 15th of April, 1884, the venire was returned served on all of said ten persons except 194 Anthony Cockrell, 197 Amos Feutermacher, and 2 Thomas L. Burridge, who did not appear, and No. 84, William C. Morris being reported sick, did not appear. The impaneling of the Grand Jury was proceeded with and concluded, and a Grand Jury sworn consisted of the following persons: John Sieman, George W. Edgington, James F. Lees, J. A. Trimble, J. M. Darling, A. T. Manning, Lucien Symons, W. H. Sells, Robert W. Davis, Matthew Cullen, J. H. Winslow, John F. Hardy, Joseph Marion, Richard Grant.

And the said Grand Jury composed of the persons last aforesaid and selected and impaneled as aforesaid is the same Grand Jury which formed and presented the indictment herein.

The foregoing facts are agreed to as correct and may be taken as true without further proof. Dated April 30th, 1884.

W. H. DICKSON,

U. S. District Attorney.

F. S. RICHARDS,

Attorney for defendant.

Police Court.

A drunken soldier was run in by some of Marshall Phillips' persuaders, but was given over to the military authorities for treatment.

Sam Newton got drunk, the drunk made him disorderly, and the two luxuries cost him exactly \$10, according to Justice Spiers' reckoning.

J. E. Bond went in for a first class time, including drunk, disorderly, and pistol drawing, at Brady's saloon on Tuesday night.

Bond has a good natured knowledge sort of a face, and would be quite harmless no doubt if he couldn't get whiskey. It is safe to say that he won't get much for the next thirty-one days, during which time he will be in bond for the city's benefit.

Andrew Quille, or in English, Mr. Whigg, got drunk and paid \$5 for the fun.

William Gladden was a subscriber to the city's support in the sum of \$10 for fast driving. But he don't mind expenses.

Paddy Muldoon is prevented from being present at the Republican convention to-day by an import engagement he has with the city for the next five days.

LOOK at the crazy quilt in Cohn's window to-day.

Seal Skin Cigars.

A handsome sum is awaiting the bestowal upon any who may discover in them any flavor, fragrance, odor or taste other than the natural leaf provides. Z. C. M. I. Agents.

NOVELTIES in Spring Wraps at prices to suit the times.

F. AUERBACH & BRO.

Boston Polish

To clean furniture and make old new, 25 and 50 cts.

BARRATT BROS., Agts.

Odds and ends in \$1 Corsets, a 40c. at

F. AUERBACH & BRO.

Mrs. J. H. B. SMITH, 1823 Warren street, St. Louis, Mo., says: "Two bottles of Brown's Iron Bitters cured me of dyspepsia."

Wholesale Buyers.

250 cases of Fur, Beaver, Wool and Straw Hats for Men and Boys, in the latest styles and shades, offered to the trade at very low figures at L. GOLDBERG'S.

Parasols, Parasols,

100 styles to select from, at less than New York prices, at

DONELSON BROS.

Assignee Sale.

Commence April 24th. The elegant stock of Millinery Goods, first store east of Deseret Bank. Must be sold regardless of cost.

J. H. ALMOND, Assignee.

Spring Cleaning.

It is pleasing to notice the energy displayed by citizens generally in cleaning up and planting their lots in this city. An air of cleanliness and order is thereby imparted to the home surroundings, and the beauty for which our city is noted is thus maintained. There are, however, many lots remaining uncultivated, and it is to be regretted that their owners do not possess a sufficient love for the beautiful to render them more attractive. The planting of shade trees, the cultivation of a few shrubs, flowers or even vegetables are to be encouraged, for the citizen who does this is benefited in a direct manner, while the public generally are also benefited to a greater or less extent.

The Mountain Time.

The prompt action of the City Council in adopting the new and standard time, as will be seen by Mayor Sharp's notice in another column, can only be commended, and citizens will certainly observe the notice and set their chronometers accordingly. An erroneous idea has obtained in certain quarters that it is the Denver time which this city has adopted. The difference in solar time between here and Denver is 27 minutes and 43 seconds, but the standard time for the mountain division is just 28 minutes faster than the solar time, and this is universal within this district, which includes fifteen degrees of longitude.

Beating the East.

THE HERALD bindery has just turned out the first of a series of Reports for Weber County. Individual puffing is objectionable, but we are prepared to wager it beats anything of the kind ever gotten out in Utah, and we will stand it against any eastern or western work of the kind ever brought into this Territory. The work is exactly at eastern prices, while those using our material save express or freight, which is quite an item. The same is true of binding magazines or old volumes. The binding is actually better than the original, as witness samples.

Appointments vs. Vacancies.

Commissions have been issued from the office of the Utah Commission by Secretary Thomas to the following deputy registration officers of the precincts set opposite their respective names:

Levi Harmon, vice Robert Parker, Washington, Washington County.

Mark Fletcher, vice James E. Caine, Hyrum, Cache County.

Wm. Henry Fletcher, vice Joseph Jordan, Peterborough, Cache Co.

A. Bertelson, vice J. Ostland, Elsinore, Sevier County.

Firemen's Excursion.

The Hook and Ladder and Hose Cart departments of the Ogden Fire Brigade have nearly perfected arrangements for a grand excursion to Provo, June 10th or thereabouts.

A committee, composed of C. D. Hayes, James Weatherspoon, H. Hortensen and Z. Attili, visited Provo and Springfield, and succeeded in obtaining every desirable facility for a first-class "out." Full particulars will be given the public at an early date.

The Neatest.

One of the neatest things seen in a long time in the way of card advertising is just issued, with the compliments of the enterprising dry goods firm of Cohn Brothers. It is called "The Young Critic," and represents a little man closely inspecting a painting that rests upon the floor, and which represents a body of cavalrymen in full charge. It is a beauty, and is really artistic.

John J. Knox.

FREDERICKSBURG, April 23d, 1884.

Mr. Wm. Knox, Salt Lake City:

Dear Sir: I received the English papers Monday morning you so kindly sent, and also the scrap about John J. Knox, Esq., Comptroller of the Treasury. He had sent me his pamphlet giving the government side of the controversy with the National Pacific Bank of Boston, Mass.

I write now to thank you for the papers and also to tell you that on the 2d of April, 1884, the House committee on banking and currency exonerated all of the government officials, including Comptroller Knox, from the charges of fraud growing out of the failure of the Pacific National Bank of Boston. Comptroller Knox has, however, resigned his place and accepted the presidency of the National Bank of the Republic, New York City. His place will be filled by Mr. So he has not disgraced the name of Knox.

Yours respectfully,

ROB. T. KNOX.

Bought Out.

Mr. H. Fyson, the popular Green Grocer, has bought out the entire stock of the Salt Lake Tea Store and is placing the goods—Teas, Coffees and Spices—at figures sufficiently low to insure their immediate sale. The goods are all of the best quality and can be seen at Mr. Fyson's store 40 W. 1st South street.

GENTLEMEN whose beards are not of the tint which they desire, can remedy the defect by using Buckingham's Dye for the Whiskers.

CŒUR D'ALENE.

A Few Details About the Latest Mining Future.

Bacon and Beans With Eggs as a Side Show.

\$90 a Day to the Man.

The following letter was received by Mr. James Dinwoodey in this city on Wednesday and may not prove uninteresting to those excited over the Cœur d'Alene mining fever:

"This is a very different country from Salt Lake. We have none of those porter house steaks you dish up. The best we get here is bacon and beans, and once in a while a piece of the very toughest ox in the country. The restaurants here are simply frightful. We have to pay a dollar for bacon and beans, and if one gets eggs, the expense is 50 cents additional, with all other side shows in proportion. They are beginning to take out any amount of the bright gold dust every day. Five men brought in five and a half pounds of the finest gold dust I ever saw the other day; and no less than \$7,500 has been brought in the last week. You should see me weigh it out. I am located in the most palatial place in the Cœur d'Alene country—a 50 foot round tent, with a stage attached to the rear, which is 15 feet square. It has the appearance of a circus tent, and a band of music fires away incessantly. One can hardly elbow his way through the immense crowds that keep surging in the place the whole time. If one wants a drink, he has to wait for his turn. Two faro games, and two stud games, a keno and several other games run night and day.

Eagle City, from which place I write this, is prettily located at the junction of the Eagle and Pritchard Creeks, which are the principal gullies. Eagle Creek is fifteen miles long, and is staked off its entire length. Some claims are very rich. Pritchard Creek is twenty-five miles long, and is being worked from the mouth to its source. It is in the Pritchard gulch that the famous Widow claim is situated. Ninety dollars per day is taken out to the man. There are few such claims as this in any country, I ween."

J. J.

Third District Court.

Proceedings in the Third District Court on Wednesday, April 30th, Chief Justice Hunter presiding:

People vs. Hopt; murder in the first degree; attorneys for defense demanded that all witnesses be excluded from the courtroom. At the request of the District Attorney, John Turner was excepted and allowed to remain. Prosecution called several witnesses, who corroborated the testimony given at the former trial.

George J. Rodway was admitted as a citizen.

Adjourned.

Sunday School Social.

The Sunday School of the Fifteenth Ward instead of going out for their May walk, intend spending to-day in social gatherings at the Music Hall. In the afternoon for the children, commencing at 1 o'clock, and in the evening for the teachers and older scholars and their friends, commencing at 7.30. Invitations are out for the evening party, but should any of the friends of the